

REMARKS

This Amendment is being filed in response to the Office Action mailed November 25, 2009 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the remarks to follow are respectfully requested.

Claims 1-14 remain in this application, where claims 1, 5, 9 and 12 are independent.

In the Office Action, claims 1-3 and 5-7 are rejected under 35 U.S.C. §103(a) over U.S. Patent 7,184,377 (Ito) in view of U.S. Patent 7,082,092 (Weijenbergh) U.S. Patent Application Publication No. 2005/0002420 (Yoon). Further, claims 9-10 and 12-13 are rejected under 35 U.S.C. §103(a) over Ito in view of Yoon. Claims 4 and 8 are rejected under 35 U.S.C. §103(a) over Ito in view of Weijenbergh, Yoon and U.S. Patent No. 6,678,236 (Ueki). Claims 11 and 14 are rejected under 35 U.S.C. §103(a) over Ito in view of Yoon and Ueki. It is respectfully submitted that claims 1-14 are patentable over Ito, Weijenbergh, Yoon and Ueki for at least the following reasons.

Ito is directed to a multi-layered information recording

medium, a recording apparatus, and a recording method. As correctly noted in the Office Action, such as page 3, lines 2-9, Ito does not disclose or suggest an initialization step, where control information is written on the second information layer, **before** the second recording step, where user information is written on the second information layer, as recited in independent claims 1, 5, 9 and 12. Weijenbergh and Yoon are cited in an attempt to remedy the deficiencies in Ito.

Weijenbergh is directed to a multi-session recording of multiple information volumes on a record carrier. As specifically recited on column 15, lines 8-13, cited on page 3, first full paragraph of the Office Action:

The first Session shall be preceded by a Lead-in Zone instead of an Intro Zone, the final Session shall be followed by a Lead-out Zone instead of a Closure Zone. Once a Lead-out Zone has been recorded, the disc is called "finalized" and no additional recordings to the disc shall be allowed. (Emphasis added)

Yoon is directed to an optical recording medium with different wobble characteristics between the user data area and the lead-out area. As specifically recited in paragraph [0035], cited on page 3, first full paragraph of the Office Action:

[0035] As described above, the lead-out area 130 has a guard function that prevents an optical pickup

(not shown) from deviating from the user data area during recording and/or reproduction of data, and in case of a dual-layer disc the lead-out area can keep/maintain tracking while interlayer jumping from the outermost circumference. (Emphasis added)

It is respectfully submitted that Ito, Weijenbergh, Yoon, and combinations thereof, do not disclose or suggest the present invention as recited in independent claim 9, and similarly recited in independent claims 1, 5 and 12 which, amongst other patentable elements, recites (illustrative emphasis provided):

after the writing user information act and before a jump to a second information layer for writing further user information in the second information layer, writing control information in a control area of the second information layer; and
after the writing control information act, writing the further user information in a user information area of the second information layer.

These features are nowhere disclosed or suggested in Ito, Weijenbergh and Yoon, alone or in combination. Rather, Weijenbergh describes on column 15, lines 3-13 a layout of a disc shown in FIG 19, which has nothing to do with when user and control information are written on a second layer of the disc. Similarly, paragraph [0035], lines 4-6 of Yoon merely states that "in case of a dual-layer disc the lead-out area can keep/maintain tracking while interlayer jumping from the outermost circumference," which again

has nothing to do how tracking is maintained and does not disclose or suggest that "after the writing control information act, writing the further user information in a user information area of the second information layer," as recited in independent claim 9, and similarly recited in independent claims 1, 5 and 12. (Illustrative emphasis provided) Ueki is cited to allegedly show other features and do not remedy the deficiencies in Kim.

Accordingly, it is respectfully submitted that independent claims 1, 5, 9 and 12 should be allowable. In addition, claims 2-4, 6-7, 10-11 and 13-14 should be allowable at least based on their dependence from independent claims 1, 5, 9 and 12.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Patent
Serial No. 10/575,421
Reply to Office Action of November 25, 2009

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By Dicran Halajian
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
February 15, 2010

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101

Please direct all inquiries and correspondence to:

Michael E. Belk, Reg. 33,357
Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
(914) 333-9643